



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,902	02/17/2004	Robert L. Estes	ESTES-A-CIP	9633

7590 05/31/2007
Daniel J. Hudak, Jr.
Hudak, Shunk & Farine Co. LPA
Suite 307
2020 Front Street
Cuyahoga Falls, OH 44221

EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
----------	--------------

3652

MAIL DATE	DELIVERY MODE
-----------	---------------

05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,902

Applicant(s)

ESTES, ROBERT L.

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment and the arguments, filed March 15, 2007, have been fully considered. The indicated allowability of claims 4,7,13,14, and 18-20 is withdrawn in view of the newly discovered reference(s) to Freedman et al. (6,398,302). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,8,10,12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Freedman et al. (6,398,302) (see Pto-892).

Freedman et al. (6,398,302) discloses an attachment apparatus comprising a guide member having at least two side members or guide rails (6,6) (Fig. 3), said guide rails each having a slotted track, said slotted track having a height adjustment slot (see Fig. 3) having a slot length and at least two arm slots (see Fig. 3) connected to and extending outwardly a predetermined distance from the height adjustment slot; and a connector member (4) *operatively* connected to and movable in the slotted track of each slot said guide rails and wherein each arm slot is connected to the height adjustment slot so that the connector member is movable between the height adjustment and each arm slot wherein each arm slot terminates at an end portion within the guide rail. Note that the connector member (4) is capable of being engaged by restraint harness (10), which can be considered as a hook or an attachment element of a transport vehicle so that the

attachment apparatus can be moved. . It is pointed out that a functional limitation is defined as "an attempt to define something by what it does or by a property or characteristic it has, rather than by what it is (e.g., as evidenced by its specific structure or specific ingredients".

Re claims 2 and 12, the guide rails (6,6) are parallel.

Re claim 8, the guide rails (6,6) are being attached to a wall of a child seat, which is a container for a child.

Re claim 15, Freedman et al.'s attachment apparatus (6,398,302) further teaches a back plate (9B) (Fig. 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7,9,13,14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. (6,398,302).

Freedman et al. (6,398,302), as presented in section 4 above, does not show the structural dimension of the elements such as the thickness of each rail and the distance between each slot. Accordingly, it would have been obvious to those skilled in the art to optimize the thickness of each rail as 0.25 or 0.3 inch on the Freedman et al.'s attachment apparatus (6,398,302) to provide as a safe apparatus. Moreover, it would have been obvious to those skilled in the art to optimize the length of the arm slot is at least 2 inches or the distance between the rails is about 4 inches, which are substantially

Art Unit: 3652

applicable dimensions, on the Freedman et al.'s attachment apparatus (6,398,302) to conveniently adjust the connector (4) within the slots.

Re claims 6,7, and 9, the parallel guide rails (6,6) are being attached a back plate (9B) (fig. 3) and the guide member is being connected a wall of a child seat, which is a container for a child.

Re claim 7, figs. 1-3 show the slotted track having a comb configuration.

Re claims 14 and 16, the side members or the guide rails (6,6) are parallel.

6. Claims 17,18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. (6,398,302) in view of Burleigh et al. (4,790,601) (See PTO-892).

Freedman et al. (6,398,302), as presented above, does not show the angle between the back plate and each side member is about 60 to about 120 degree. However, Burleigh et al. (4,790,601) teaches two side members (64,66) (Fig. 7) each side member being angle to a wall (16) about 60 degree. Accordingly, it would have been obvious to those skilled in the art to modify the positioning of the side members (6,6) of Freedman et al. (6,398,302) to be an angle about 60 degree as taught by Burleigh et al. (4,790,601) to provide safety by restraining the height adjustment of the connector within the provided slotted track. Note that applicant does not specifically define as to how the back plate is angle with each side member about 60 degree.

Re claims 6,7, and 9, the parallel guide rails (6,6) are being attached a back plate (9B) (fig. 3) and the guide member is being connected a wall of a child seat, which is a container for a child.

Re claim 19, figs. 1-3 show the slotted track having a comb configuration.

Art Unit: 3652

Re claim 20, the back plate (5) is being connected to a container having a front wall (1) and a base (2).

7. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. (6,398,302) in view of Miller (4,813,739).

Freedman et al. (6,398,302), as presented in section 4 above, does not show the connector member having end elements to prevent removable of the connector member from the slotted track. However, Miller (4,813,739) teaches a connector rod (22) movable within the slotted track (38) and the rod further having an end element (26) (Fig. 2). Accordingly, it would have been obvious to those skilled in the art to provide an end element on the ends of the connector member (4) of Freedman et al. (6,398,302) as taught by Miller (4,813,739) to prevent removable of the connector member from the slotted track.

Response to Arguments

8. Applicant's arguments with respect to claims 1-10, 12-18, and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

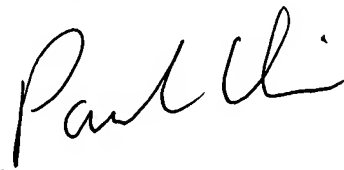
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

Art Unit: 3652

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



PAUL T. CHIN
Examiner
Art Unit 3652